

## MEMORANDUM

**TO:** All Attorneys Practicing in the Bankruptcy Court at Youngstown  
**FROM:** Judge Kay Woods  
**DATE:** May 4, 2005  
**SUBJECT:** Motions for Orders to Appear and Show Cause

When confronted with a violation of the automatic stay or an injunction, a party may move the Court for an Order to Appear and Show Cause ("Order(s)"). The Court will enter an Order, when appropriate, after evaluating the merits of the Motion for Order to Appear and Show Cause ("Motion(s)"). A Motion should not be used as leverage in the negotiation process; accordingly, only file a Motion if you want the violating party to be ordered to appear in Court and defend its actions. Once the Order has been entered, **a hearing on the Order will go forward in every circumstance.** The movant lacks authority to withdraw its Motion after an Order has been entered, and is unable to prevent the hearing from occurring.

The movant should not notice a Motion for an Order to Appear and Show Cause or set such Motion for hearing. Rather, the Court's Order to Appear and Show Cause is noticed by the Court and the hearing is on the Order (not the Motion). The movant should prepare and submit a proposed Order with the Motion.

[Please note, this is not a new procedure, but rather reiterates the current procedure in order to avoid confusion.]